

Certified Trial Attorneys

NEW YORK, NY 10018

TEL: 800-784-5140 TEL: 212-596-7656 FAX: 212-221-3061 www.lawjw.com

Andrew M. Moskowitz, Esq. Licensed in New York and New Jersey

May 23, 2023

589 EIGHTH AVENUE - 21st FLOOR Per the Court's Individual Rules, requests for adjournments of a conference must be made at least two business days prior to the scheduled appearance. Nevertheless, the Court will adjourn the May 23, 2023 conference in light of the rescheduled mediation. Accordingly, the Initial Pretrial Conference shall take place on June 13, 2023 at 10:30 a.m. in Courtroom 20B. To the extent the parties consent to a stay of discovery pending resolution of the motion to dismiss, they shall file a letter no later than June 6, 2023 so indicating.

Dated: May 22, 2023 New York, New York

SO ORDERED.

Via ECF

Hon. Jennifer L. Rochon, U.S.D.J. **United States District Court** Southern District of New York 500 Pearl Street, Room 1920 New York, NY 10007

Case Name: Spencer v. NYC Department of Education United States District Judge

Case Number: 1:22-cv-10712-JLR

Dear Judge Rochon:

Re:

As the Court is aware, this law firm represents Plaintiff Jamala Spencer, Ed.D in the above matter. Please accept the following as the parties' joint request to adjourn the Initial Conference scheduled for May 23, 2023.

On March 21, 2023, the Court ordered "that the Initial Conference, scheduled for April 18, 2023, [be] adjourned to May 23, 2023 in order to facilitate the scheduling of mediation." (ECF No. 13). Thereafter, the parties and the mediator Gino Zonghetti, Esq. agreed on a date for the mediation. On May 16, at the request of Mr. Zonghetti, the mediation was adjourned. Although we have not received final confirmation from Mr. Zonghetti, it appears that the mediation will be scheduled for either June 5 or 6. Accordingly, we ask that the Initial Conference be adjourned to a date after June 6.

We note further that defendant has refiled its Motion to Dismiss. While we recognize that the Court seeks to control its docket and to expeditiously resolve cases, we believe that, in the event the case is not resolved at mediation, discovery should be stayed until after defendant's motion to dismiss is determined.

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We thank the Court for its courtesies in considering the foregoing.

Respectfully submitted,

/s/ Andrew M. Moskowitz
Andrew M. Moskowitz

cc: Joseph B. Reynolds, Esq. (via ECF)